

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF SPECIAL OPERATIONS • SPECIAL INVESTIGATIONS DIVISION

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October 7, 1999

Captain Don Mauro
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Mauro:

Re: S.I.D File #: 100-8558/99-0159
L.A.S.D. File #: 098-34265-1335-057

The Special Investigations Division of the Los Angeles County District Attorney's Office has completed its review of the November 24, 1998 fatal shooting of Thomas Ray Freeman by Los Angeles County Deputy Sheriff's Steven Vranek, Richard Wilson, Martin Klaus and Allen Ripley. We have concluded that each deputy acted lawfully in self-defense and in defense of one another.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, submitted to this office on May 19, 1999, an oral presentation by Sergeant Rudy Ortega, and an examination of 151 photographs that relate to the scene of the shooting[1]. No independent investigation has been conducted by members of this office.

FACTUAL ANALYSIS

On Tuesday, November 24, 1998, shortly before 3:00 a.m., Deputy Ripley, while on routine patrol, noticed a gray 1990 Nissan 300ZX, license number [redacted], driving on Del Amo Boulevard. Using departmental resources, he learned that the vehicle was reported stolen out of Signal Hill. He radioed this information to other units and followed the vehicle as it entered the northbound 605 freeway. Ripley followed the vehicle as it traveled to the westbound 91 freeway. Other Sheriff's units joined to assist. A black and white patrol unit manned by Deputies Vranek and Wilson began to follow the Nissan. Vranek estimated that the Nissan was traveling at speeds in excess of 100 miles per hour. They followed the Nissan as it exited the freeway at Downey Avenue. The Nissan, later determined to be driven by Thomas Freeman, drove northbound on

[1]. These photographs will be returned to the Sheriff's Department.



Criminal Courts Building
210 West Temple Street
Los Angeles, CA 90012-3275
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Downey Avenue and negotiated a right turn to drive eastbound on Park Street. Freeman then executed a right turn into what appeared to be an alley, but was later determined to be the driveway to [redacted] Park Avenue. Freeman drove into the driveway, but stopped the Nissan behind a blue Volkswagen that was already parked on the driveway apron. Deputy Vranek pulled his patrol vehicle into the driveway and stopped approximately three feet behind the Nissan.

Vranek told investigators that he and his partner got out of their patrol car. Vranek drew his weapon and ordered Freeman to turn off the engine and "show [his] hands". Freeman looked over his right shoulder, put the transmission in reverse and backed into Vranek's patrol car. Vranek said that the impact was straight on, but not of great force. Freeman then drove forward, again put the transmission in reverse and accelerated. With tires spinning, he again rammed into the front of Vranek's patrol car, this time with more force. The impact caused the patrol car to strike Vranek with force sufficient to knock him off balance. During the course of these events, Vranek and fellow deputies were ordering Freeman to stop and turn off his vehicle.

Freeman again drove forward, shifted into reverse and rammed into the patrol car a third time. This impact was of even greater force and pushed the front of the patrol car approximately 60 degrees to the left in an easterly direction. Vranek told investigators that it looked as though the rear of the Nissan was going to clear the front of his patrol car and head directly at him and Deputy Klaus who was standing near him on the driver's side of the patrol car. Fearing for his safety and the safety of Deputy Klaus, Vranek fired a total of six rounds from his Beretta handgun at Freeman.

Vranek said that the Nissan broke free from the front of the patrol car and continued to back from the driveway, across the grass adjacent to the driveway, over the sidewalk and into the street where it traveled backward eastbound on the south side of Park Street. The Nissan traveled approximately 70 feet before ramming into a parked car. Deputies carefully approached the car and turned off the engine. Freeman was non-responsive. Paramedics were summoned and Freeman was pronounced dead at 3:13 a.m.

Deputy Klaus told investigators that he stopped his patrol car in the street behind Vranek's patrol car. He joined Vranek on the driver's side of Vranek's car, and was standing there when Freeman accelerated into Vranek's patrol car. The force of the impact caused the driver's door to strike him, knocking him backward. Klaus said that Freeman again accelerated in reverse, and that his tires were smoking from spinning so fast. Fearing for his life and that of Deputy Vranek, he fired seven rounds from his Beretta handgun at Freeman.

Deputies Wilson and Ripley described the incident to investigators in much the same manner as did Vranek and Klaus. Wilson fired two rounds from his Beretta, and Ripley fired one round, also from a Beretta.

Investigators examined the front of Vranek's patrol car. The right push bar was bent and broken. A search of Freeman's stolen Nissan disclosed a .223 caliber Beretta rifle in the trunk, and a half empty can of beer between Freeman's legs. Freeman was wearing a black leather jacket. Inside one of the pockets investigators found a red nylon bag. Inside the bag they found four syringes, a baggie containing a small amount of marijuana, and another baggie containing 2.14 grams of methamphetamine. A small plastic scale, the type used to weigh drugs, was found inside the Nissan.

On November 25, 1998, Louis A Pena, M.D., Deputy Medical Examiner, performed an autopsy on the body of Thomas Freeman. He ascribed the cause of death to multiple gunshot wounds. Freeman was struck by eight rounds. Two entered the upper right back, two entered the upper right arm, one entered the right side of the head, one entered the right side of the torso, one entered the right upper arm, and one entered the left leg above the ankle. Ballistic evidence was recovered from the two rounds to the upper right back, the two rounds entering the upper right arm, and the one that entered the right side of the torso. Four rounds were ballistically matched to Deputy Vranek's weapon; one was ballistically matched to Klaus' weapon. Methamphetamine and marijuana were detected in Freeman's post-mortem blood and urine.



[redacted]

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALJIC 5.30. 5.32.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal. App. 2d 575.

When cornered in the driveway at [redacted] Park Street, Freeman had two options. One was to peacefully surrender and face certain prosecution for auto theft, possession and transportation of methamphetamine and for being a felon in possession of a firearm. Because of his criminal record, he would in all likelihood be prosecuted as a second strike offender. His second option was to try to escape. This option, which he took, led to his death. Not only did he try to avoid the deputies by driving at over 100 miles per hour, he rammed Vranek's patrol car three times. The third time forced the vehicle in a circular motion toward the deputies. As Freeman accelerated backward, he placed Deputies Vranek and Klaus in danger of being either struck by the patrol car, or by Freeman's stolen Nissan. Facing what appeared to be certain serious injury or death, the deputies used deadly force to protect themselves.

Given the information supplied to this office, he conclude that each deputy acted lawfully in self-defense and in defense of each other. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

GIL GARCETTI
District Attorney

By

JAMES L. COSPER
Deputy District Attorney

c: Deputy Steven Vranek #[redacted]
Deputy Richard Wilson #[redacted]
Deputy Martin Klaus #[redacted]
Deputy Allen Ripley #[redacted]